

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JEFFREY DZIERBICKI,

Plaintiff

CASE NO.: 07-13109-CV  
HON. THOMAS L. LUDINGTON

v.

TOWNSHIP OF OSCODA, ROBERT LAVACK,  
ROBERT F. STALKER, II, ALAN  
MACGREGOR, KEVIN KUBIK, KEN  
KREINER

Defendants

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CHRISTOPHER J. TRAINOR & ASSOCIATES  
CHRISTOPHER J. TRAINOR (P42449)  
Attorney for Plaintiffs  
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WHITE, MACK & McDONALD  
DANIEL W. WHITE (P27738)  
Attorney for Defendants  
313 N. Second Avenue  
Alpena, MI 49707  
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**STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE**

**THIS MATTER** having come before this Honorable Court upon stipulation of the parties, by and through their respective counsels, and the Court being otherwise fully advised in the premises;

**IT IS HEREBY ORDERED** that this case is dismissed **without prejudice** because the parties have reached a settlement agreement. However, the proposed settlement agreement must be formally approved by the Oscoda Township Board.

**IT IS FURTHER ORDERED** that in the event the proposed settlement reached between the parties does not obtain the requisite approval by the Oscoda Township Board within sixty (60) days of entry of this Order, Plaintiff may re-file his case.

**IT IS FURTHER ORDERED** that Defendants shall have no Statute of Limitations defense available to them if and as long as Plaintiff re-files the case within sixty (60) days of the dismissal.

**IT IS FURTHER ORDERED** that in the event this case is re-filed all discovery obtained in the original action can be used in the re-filed action.

**IT IS FURTHER ORDERED** that a final Order of Dismissal with prejudice shall be entered in the event Township Board approval is obtained.

**IT IS SO ORDERED.**

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: September 18, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 18, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS

We Stipulate and Agree to entry of the above Order:

**s/Christopher J. Trainor**  
Christopher J. Trainor (P42449)  
Shawn C. Cabot (P64021)  
Attorneys for Plaintiff  
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**s/with consent of Daniel W. White**  
Daniel W. White (P27738)  
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